

Questioned Documents Unit (QDU)

FBI Approved Standards for Scientific Testimony and Report Language for Forensic Handwriting Comparisons

1 Purpose

This document provides examples of the scientifically-supported conclusions and opinions approved for reporting examination conclusions and offering expert opinion statements during handwriting comparison testimony by Forensic Document Examiners within the QDU. It is noted that these examples are not intended to be all inclusive and may be dependent upon the precedent set by the judge or locality in which a testimony is provided. Further, these examples are not intended to serve as precedent for other forensic laboratories and do not imply that statements by other forensic laboratories are incorrect, indefensible, or erroneous.

2 Scope

This document applies to QDU Forensic Document Examiners who prepare a *FBI Laboratory Report* (7-1, 7-1 LIMS) and/or provide testimony on handwriting comparisons. This requirement takes effect as of the date of this document and is not retroactive to previously issued reports or testimony by the QDU Forensic Document Examiners.

3 Responsibilities

3.1 The Examiner will ensure that a *Laboratory Report* or testimony is consistent with the statements contained within this document.

3.2 The Administrative and Technical Reviewers will ensure that QDU *Laboratory Reports* contain language consistent with the statements contained within this document.

3.3 The Unit Chief will ensure the QDU testimony complies with the statements contained within this document.

4 Statements Approved for FBI Questioned Document Unit, Forensic Document Examiners Testimony and/or Laboratory Reports Regarding Handwriting Comparisons

4.1 Identification

The opinion that two samples of handwriting originated from the same writer(s) due to significant characteristics in agreement, both in quality and quantity, such that the examiner would not expect to see the same combination of characteristics repeated in a handwriting sample of another writer. There are no fundamental differences to suggest another writer and

there are no significant limitations with the items examined. Unexplained characteristics are far outweighed by the combined effect of agreement in all other details.

Note — Due to the impossibility of examining all handwriting, an identification to the exclusion of all others can never be proven. However, an identification opinion is supported by research, which has shown that as more significant characteristics are found in agreement, it becomes less likely to find that same combination of characteristics in a handwriting sample from another writer.

4.2 May Have (Qualified Opinion)

This opinion is based on the prevalence of characteristics in common between two bodies of writing; however, a limitation(s) exists which prevents an identification. This is a less than definitive opinion and requires an explanation of limiting factors.

4.3 No Conclusion

The examiner cannot determine whether the items being compared were or were not prepared by the same writer(s), usually because of such factors as lack of comparability or lack of clarity and detail in the submitted items, which may significantly limit meaningful examinations. In instances when meaningful examinations can be conducted, the weight of the combination of characteristics observed in common is counterbalanced by the weight of the combination of inconsistencies or unexplained characteristics observed. This opinion requires an explanation of limiting factors.

4.4 May Not Have (Qualified Opinion)

This opinion is based on the prevalence of dissimilarities between two bodies of writing; however, a limitation(s) exists which prevents an elimination. This is a less than definitive opinion and requires an explanation of limiting factors.

4.5 Elimination

An opinion that two bodies of writing were not prepared by the same writer(s) due to disagreement in significant characteristics. Any similarities are far outweighed by the lack of agreement in all other details. No significant limitations are present.

5 Statements Not Approved For FBI QDU Forensic Document Examiner Testimony and/or Laboratory Reports

The following are not approved for use by the examiner; however, it is acknowledged that there may be circumstances outside the control of the examiner, such as in courts of law that require the examiner to deviate from the statements set forth below.

5.1 Exclusion of All Other Writers

An examiner may not state that two handwriting samples originated from the same writer to the exclusion of all other writers.

5.2 Absolute or Numerical Certainty

An examiner may not state a level of certainty in his/her opinion that is absolute or numerically calculated.

5.3 Error Rate

An examiner may not state that the method used has a zero error rate or is infallible.

6 Laboratory Report Reviews

The content of a QDU *Laboratory Report* must be reviewed per the *QDU Case Records and Review for Legacy Cases* and *QDU Case Records and Review for Cases in Forensic Advantage (FA)*, as appropriate, ensuring compliance with the approved statements in this document.

7 Testimony Reviews

Forensic Document Examiner testimonies will be reviewed following the *FBI Laboratory Practices for Court Testimony Monitoring*. The review will ensure compliance with the statements in this document.

8 References

ASCLD/LAB-International Supplemental Requirement for the Accreditation of Forensic Science Testing and Calibration Laboratories, American Society of Crime Laboratory Directors/Laboratory Accreditation Board, Garner, NC, 2011

FBI Laboratory Quality Assurance Manual

FBI Laboratory Operations Manual

Rev. #	Issue Date:	History:
1	12/03/15	Changed "Report(s) of Examination" to "Laboratory Report(s)" throughout document. Section 4.1 added "with the items examined" and replaced the last sentence with a Note. Added "is a less than definitive" to Sections 4.2 and 4.4. Sections 4.1, 4.3, and 4.5 made writer plural. Section 4.5 changed "because of" to "due to". Section 6 added " <i>for Legacy Cases and QDU Case Records and Review for Cases in Forensic Advantage (FA)</i> , as appropriate". Made grammatical and format changes throughout document where necessary.
2	03/01/18	2 Scope deleted "policy" and added "requirement". 3.2 deleted "or designee". 3.3 deleted "or designee" "assess if" and added "ensure the". Section 4.1 under Note, changed the word "arrangement" to "combination."

Redacted - Signatures on File

Approval

Questioned Documents
Unit Chief

Date: 02/28/2018

Questioned Documents
Technical Leader

Date: 02/28/2018

QA Approval

Quality Manager

Date: 02/28/2018